

SOUTH DAKOTA BOARD OF EDUCATION MINUTES

Date: Monday, March 20, 2017 – 9:00 a.m. Central Standard Time

Location: Northern State University Student Center, Centennial Rooms A & B West
1200 South Jay Street, Aberdeen, South Dakota

Public telephonic access:
1-866-410-8397/conference code: 8381998525

For live streaming of meeting: <http://www.sd.net/mackay/>

Present: Sue Aguilar, Member
Glenna Fouberg, Member
Scott Herman, Member
Donald Kirkegaard, President
Kay Schallenkamp, Member
Deb Shephard, Vice President
Gopal Vyas, Member
Lori Wagner, Member

DOE Staff

in attendance: Mary Stadick Smith, Abby Javurek-Humig, Carla Leingang, Tiffany Sanderson, Erin Larsen, Laura Scheibe, Becky Nelson, Matt Gill, Steve Fiechtner, Holly Farris, and Ferne Haddock.

Others in

attendance: Shad Storley (Redfield School District), Carol Grode-Hanks (Mitchell Technical Institute), Mark Wilson (Mitchell Technical Institute), Micheline Nelson (Black Hills State University), All Bolman (Western Dakota Technical Institute), Jim Jacobsen (Southeast Technical Institute), Rich Mittelstedt (South Dakota Education Association), Alan Neville (South Dakota Commission on Teaching and Learning; Northern State University), Chris Mitchell (ACT Inc), Katherine Grandstrand (media), Sherrie Bosse (University of South Dakota), Robin Wiebers (University of South Dakota), Karen Kindle (University of South Dakota), Ted Williams (South Dakota Association of School Psychologists), Roxana Uttermark (SD Association of School Psychologists), Gayle Bortnem (Northern State University), Nadya Preszler (Northern State University), Jareen Outka (Teachwell Solutions), Kelly Duncan (Northern State University), Ashley Digmann (Dakota Wesleyan University), Tammy Meyer (Sisseton School District), Donna Johnson (Dakota Wesleyan University), Jodi Carlsgaard (South Dakota School for the Blind and Visually Impaired), Wendy van Gent (Northern State University), Donavan DeBoer (Parker School District), Samantha Walder (Redfield School District), Andrea Rose-Prehn (Northern State University), and other members of the public present in person and via telephone.

Call to Order, Pledge of Allegiance, and Roll Call:

President Kirkegaard called the meeting to order at approximately 9:00 a.m. CT.

Adoption of Agenda:

Motion by Schallenkamp, second by Fouberg, to adopt the March 20, 2017, proposed agenda. Voice vote, all present voted in favor. Motion carried.

Approval of Minutes:

Motion by Aguilar, second by Schallenkamp, to correct the January 19, 2017, minutes to reflect the motion and vote on University of Sioux Falls educator preparation program accreditation approval. Voice vote, all present voted in favor (Herman abstained). Motion carried.

Motion by Vyas, second by Aguilar, to approve the January 19, 2017, minutes as corrected. Voice vote, all present voted in favor (Herman abstained). Motion carried.

Membership Update:

Deputy Secretary of Education Mary Stadick Smith welcomed new Board member Lori Wagner.

Conflicts disclosure (SDCL 3-23-3):

President Kirkegaard turned the gavel over to Vice-President Shephard at approximately 9:08 a.m.

President Kirkegaard requested a waiver on two contracts to which the Meade County School District and the Department of Education are both parties. The agreements are state aid intercept agreements and deal with obtaining lower interest rates on bonds for the school district, as allowed under state statute.

Motion by Aguilar, second by Fouberg, to approve the waiver as presented. Voice vote, all present voted in favor (Kirkegaard abstained). Motion carried.

Lori Wagner requested a waiver regarding her employment contract with the South Dakota Board of Regents to be employed at the Northern State University E-Learning Center.

Motion by Vyas, second by Aguilar, to approve the waiver as presented. Voice vote, all present voted in favor (Wagner abstained). Motion carried.

Vice-President Shephard returned the gavel to President Kirkegaard at approximately 9:11 a.m.

Professional Administrators Practices and Standards Commission (PAPSC) 2016 Annual Report:

Holly Farris, DOE legal counsel, presented the PAPSC 2016 Annual Report. Farris noted that the PAPSC received four complaints from the public, and met on six occasions. Three complaints were resolved in 2016, and one complaint was pending at the end of the year.

Augustana University Math/Science Composite Education Program:

Steve Fiechtner, DOE, requested that the Board approve Augustana University to offer a Math/Science Composite Education major. Augustana University's application to offer the program shows that all program standards can be met for this program, and that the university does have the resources to offer the program. Black Hills State University is currently the only other institution in the state to offer a math/science composite education program.

Motion by Shephard, second by Vyas, to approve Augustana University's application to offer a Math/Science Composite Education program. Voice vote, all present voted in favor. Motion carried.

Technical Institutes 2017 Legislative Session Recap:

Tiffany Sanderson, DOE director of career and technical education, presented an informational update on legislative action affecting the technical institutes during the 2017 legislative session. Sanderson provided information on technical institute budget adjustments and funding for the coming fiscal year, including the per student allocation and National Guard member tuition. Sanderson also discussed the tuition buydown impact and instructor salaries.

Sanderson reviewed the passage of Senate Bill 65, which establishes the Board of Technical Education, and the transfer of duties to that board from the Board of Education. Duties transferred will include items such as technical institute bonding, tuition and fees, and program approval.

In response to Board questions, Sanderson discussed the new Board's relationship to accreditation of technical institutes by the Higher Learning Commission (HLC) and oversight of the technical institutes through the local school districts. Mike Cartney also stated that in LATI's recent accreditation review, HLC rated its oversight and governance as strong.

Sanderson also provided an update that the Mitchell Technical Institute practical nursing program received approval from the South Dakota Board of Nursing to open the program in Fall 2017. MTI also received notification from the U.S. Department of Labor that its registered apprenticeship program application was approved. Sanderson also noted that Lake Area Technical Institute's accreditation review from the Higher Learning Commission resulted in no conditions being placed on LATI.

FY 18 Technical Institute Tuition and State Fees:

Tiffany Sanderson, DOE director of career and technical education, presented the proposed technical institute tuition and state fees for fiscal year 2018. Sanderson reviewed the budgetary information from the 2017 legislative session that impacts the tuition and fees for technical institutes. Sanderson discussed projected increases in inflation for costs of services like utilities, mandated insurance coverage, critical maintenance and repairs, equipment purchases and maintenance, as well as that projected enrollment across the institutes is expected to increase by approximately 200 full-time students.

After examining the factors of increased costs and student enrollment, the technical institutes proposed an increase to tuition fees of \$5 per credit hour. This would result in totals of \$114 per credit hour in tuition, which also reflects the \$10 per credit tuition buydown. Other proposed fees include the \$35 per credit hour facility fee, \$5 per credit maintenance and repair fee, and a \$1 per credit hour PTI transition fee. Total tuition and fees are proposed at \$155 per credit hour. There is an overall shortfall of approximately \$500,000 for technical institutes statewide, but the \$5 proposed increase is an attempt to balance the ongoing increases and expenses of the technical institutes while maintaining affordability for students.

In response to Board questions, Sanderson stated that the \$500,000 shortfall could potentially be overcome through increasing efficiencies at the technical institutes via methods like increasing student-faculty ratios in certain programs or adjustments to programs with low student enrollment or outcomes. There are also continuing conversations about partnerships with industry employers.

Sanderson also stated that the tuition buydown is a set, ongoing amount as a line item in the state's base budget each year, and that legislators are aware of the ongoing need for the buydown and its impact on students. Sanderson discussed the facility fee and that it would likely stay steady, unless there were changes made to existing bonds.

Sanderson stated that there has been no formal research on the impact on enrollment as a result of the \$5 per credit increase, but that the proposed increase will result in approximately \$150 per year for students taking 30 credits. A particular area the technical institutes examined is the gainful employment aspect of diploma programs, and ensuring the proposed increase is justified in light of wages graduates are anticipated to earn upon program completion.

Sanderson also discussed South Dakota tuition and fee rates as compared to neighboring states. Sanderson noted that other states have similar programs to Build Dakota, as well as other programs that increase competitiveness for tuition and fees between the states. The four South Dakota technical institutes consistently take regional competitiveness into account when assembling tuition proposals.

Motion by Shephard, second by Vyas, to approve the Fiscal Year 2018 Technical Institute tuition and state fees as proposed. Voice vote, all present voted in favor. Motion carried.

Western Dakota Technical Institute Accreditation Progress Update:

Dr. Ann Bolman, president of Western Dakota Technical Institute (WDT), presented an update on WDT's accreditation status. The Higher Learning Commission placed WDT on probation in February 2016. WDT has worked to make improvements regarding its status since that time, particularly in the areas of student learning assessment data and data systems for collecting, analyzing, and using institutional data. WDT will submit an assurance argument to the HLC in July and host the HLC for another on-site visit in September 2017.

In response to Board questions, Bolman stated that shifting from course-level assessment outcomes to program-level outcome documentation has been a major focus for WDT in addressing the concerns of the HLC.

Lake Area Technical Institute Facilities Update:

Tiffany Sanderson, DOE, and President Mike Cartney, Lake Area Technical Institute, presented an update on LATI facilities. Sanderson provided a background on the 2012A bond series, which was approved by the Board several years ago for the purchase of property at LATI. President Kirkegaard, representing the Board, and other entities signed a resolution in support of rezoning the property over the winter in order to move forward with planned construction. Obligations regarding bond payments remain unchanged.

Cartney reviewed the planned construction projects at LATI and stated that new facilities are needed due to increased student enrollment. Cartney also stated that the new facility will be paid with local funding, but a capital campaign is beginning to contribute to future construction projects.

In response to Board questions, Cartney stated that the 2017 planned facility would be paid for with local funds, which were presently available.

Southeast Technical Institute Program Updates: Name Change for Computer Network Security and Welding Certificate Offerings:

Tiffany Sanderson, DOE, and Jim Jacobsen, Southeast Technical Institute (STI), presented an informational update on name changes to existing programs. Sanderson stated that the Computer Network Security Technician program name will change to Information Technology Security to better reflect the range of careers students are prepared to enter upon program completion, and is based on a recommendation from the program's advisory committee. Jacobsen discussed the advisory committee's basis for renaming the program. The curriculum focuses on information security, so that title better reflects the focus of the program options.

Sanderson also stated that STI will increase welding certificate options this fall. The certificates are comprised of courses already offered by STI. The certificate options allow for quick entry

into the workforce, or for those with industry experience to upskill to expand into new areas of the profession. The certificates will be available with daytime and evening options. The diploma program has been increasing to meet industry demand, which is high. These certificate options will also help meet that demand.

In response to Board questions, Jacobsen stated that the four certificate options will not be introduced altogether, but in a progression. Students will be able to complete one or all four certificates to suit their needs.

Sanderson noted that this is the first short-term certificate offering for these areas offered through an approved program. Other technical institutes offer courses in similar content areas, but are structured differently.

Mitchell Technical Institute Program Proposal: Advanced Welding Certificate:

Tiffany Sanderson, DOE, and Carol Grode-Hanks, Mitchell Technical Institute (MTI), spoke in favor of MTI's program application to expand the welding certificate options. Sanderson noted the difference between the STI program update regarding welding certificates, and this new program application from MTI.

Sanderson stated that, in the expanded program, students may complete MTI's current Welding & Manufacturing program that emphasizes machining in its second year or take courses in the secondary year focusing on advanced welding practices. Students could also choose to enroll a third year to earn both program options. Grode-Hanks stated that the proposal comes from the work of the program advisory board.

Motion by Vyas, second by Aguilar, to approve the MTI advanced welding certificate program proposal as presented. Voice vote, all present voted in favor. Motion carried.

President Kirkegaard called a recess at approximately 10:13 a.m. CT.

President Kirkegaard called the meeting to order at approximately 10:30 a.m. CT.

Public Hearing—Standards: Career and Technical Education

The Board convened the third public hearing at approximately 10:30 a.m. CT on the following proposed standards: Career and Technical Education (CTE). A fourth and final public hearing is scheduled in May, at which the Board may vote on the proposed standards.

Erin Larsen, DOE division of career and technical education, testified in favor of all proposed CTE standards. Larsen provided an overview of the CTE standards and the standards' breakdown into career clusters, pathways, and courses. The standards in each career cluster were revised through a common process in which the DOE partnered with the National Center for College and Career Transitions. Industry organizations such as the South Dakota Chamber

of Commerce, employers, and current teachers in the field were also consulted for feedback on the standards. Once feedback was gathered, workgroups consisting of teachers, industry representatives, parents, and the public were convened. The workgroups convened for three in-person, daylong sessions. The workgroups reviewed the feedback from the field, reviewed information on labor market needs and surveys to determine areas of focus for the standards. The workgroups then focused on the individual standards revisions. The proposed standards have been sent to industry for feedback and were made available to the public in various formats. Larsen also discussed an estimated timeline of implementation if the proposed standards are adopted.

Agriculture, Food, and Natural Resources

Larsen testified that feedback within this area focused on incorporating employability skills and technology into these standards. Six pathways were developed, with several courses fitting into multiple pathways. Key changes involved adding employability skills into each course, developing a middle school course, and creating courses in advanced horticulture, and advanced natural resources. The advanced natural resources course specifically addresses needs in western South Dakota and its opportunity for forestry-related careers.

Agriculture, Food, and Natural Resources Exhibits 1-4 were received into the record and addressed at prior public hearings. Agriculture, Food, and Natural Resources Exhibits 5 and 6 were received into the record and addressed. These comments comprise the workgroup's responses to Exhibits 2 and 3.

There was no opponent testimony.

Arts, Audio-Video Technology, and Telecommunications

Larsen testified that this cluster focuses on the production and publication of multimedia. The workgroup focused on incorporating employability skills and changes in the industry due to technology, such as the development of 3D printing. New courses on advanced graphic design and entertainment production were included. The workgroup eliminated an existing desktop publishing course which didn't align with the rest of this cluster in light of other changes.

Arts, Audio-Video Technology, and Telecommunications Exhibits 1-4 were received into the record and addressed at prior hearings. No new public comments were submitted.

There was no opponent testimony.

Finance

Finance standards workgroup focused on the areas of online financial services and the importance of confidentiality in the industry. The workgroup discontinued a business math

course which it felt was not rigorous enough. Courses on investment planning, business economics, and expanded entrepreneurship were also added.

Finance Exhibits 1-3 were received into the record and addressed at prior public hearings. No new public comments were submitted.

There was no opponent testimony.

Health Science

Larsen testified that the revisions to the proposed health sciences standards focused on helping students understand cultural diversity and population age spans, as well as evolving technology. Key changes included adding Introduction to Emergency Medical Services and Introduction to Medical Diagnostics courses, as well as a course on health informatics.

Health Sciences Exhibit 1 was received into the record and addressed at a prior public hearing. Health Exhibits 2-4 were received into the record and addressed. Exhibit 2 expressed concerns with standards in each of the courses. Exhibits 3 and 4 were the workgroup responses to Exhibits 1 and 2. Exhibit 3 noted that mathematics-related standards were originally omitted, but were added back in as an additional indicator. Exhibit 4 described the workgroup's response to each concern in Exhibit 2. Some concerns were accepted and incorporated into the standards, but the workgroup felt other concerns were suitable for the unpacking process of the standards.

In response to Board questions, Larsen noted that in response to the concerns listed in Exhibit 2, the workgroup did make adjustments to the proposed standards.

There was no opponent testimony.

Human Services

Larsen testified that the workgroup in this area focused on the importance of 24-hour services and providing individualized services. One of the primary changes involved the incorporation of employability skills being incorporated into the standards. Significant changes also involved revamping a "skills for parenting" course into a course titled "relationships across the lifespan." The workgroup discussed how parenting skills transfer into multiple relationships and work-related roles and felt this shift in the course was necessary. The workgroup also developed a consumer services course.

Human Services Exhibits 1-3 were received into the record and addressed at prior hearings. Human Services Exhibit 4 was received into the record and addressed. Exhibit 4 comprises the workgroup response to Exhibit 3, and states that a number of items addressed in the parenting course were also found in several of the other human development courses and felt the overall changes made were necessary. The workgroup also stated that between the entrepreneurial

capstone and other courses, there were options for students to obtain business management opportunities.

There was no opponent testimony.

Manufacturing

Larsen testified that the manufacturing standards workgroup focused on employability skills. Those were added into each course. A course on advanced machine tooling was created. The workgroup is also working with the four technical institutes to develop a concurrent credit course in this career cluster.

Manufacturing Exhibits 1-7 were received into the record and addressed at prior hearings. No new public comments were submitted.

There was no opponent testimony.

The standards hearing closed at approximately 10:45 a.m. CT.

First Reading—Administrative Rules:

Sections 24:10:42:27 and 24:10:42:28 (PTI Set Asides and Per Student Allocation)

Tiffany Sanderson, DOE, presented the first reading of proposed changes to ARSD sections 24:10:42:27 and 24:10:42:28, regarding the PTI set asides and per student allocation. Sanderson stated that these rules are a response to the programmatic changes in the 2017 legislative budget process regarding National Guard tuition set-aside and the per student allocation.

In response to Board questions, Sanderson stated that the National Guard tuition set-aside will allow funds to be distributed to the technical institutes based on the actual state tuition they apply to qualifying National Guard members.

Chapter 24:10:49 (PTI Instructor Salary Support Funds)

Tiffany Sanderson, DOE, presented the first reading of proposed changes to ARSD chapter 24:10:49, regarding the post-secondary technical institute instructor salary support funds. The changes propose updates to the instructor salary supports and clarify the program that went into place for fiscal year 2017 as the program moves forward.

Section 24:17:03:06 (Student Attendance Drop Rule)

Abby Javurek-Humig, DOE division of assessment and accountability, presented the first reading of proposed changes to ARSD 24:17:03:06. This rule clarifies attendance requirements for calculating attendance as regards state aid calculations.

Article 24:55 (Public School Accountability System)

Laura Scheibe, DOE division of accountability systems, presented the first reading of proposed changes to ARSD article 24:55. Scheibe stated that the proposed rule changes stem from the passage of the Every Student Succeeds Act (ESSA), which replaced No Child Left Behind (NCLB).

In response to Board questions, Scheibe noted that there is little information from the federal Department of Education regarding accountability requirements during the transition from NCLB to ESSA.

Article 24:57 and 24:58 (Teacher and Principal Performance Standards & Evaluations)

Becky Nelson, DOE director of the division of learning and instruction, presented the first reading of proposed changes to ARSD articles 24:57 and 24:58. These rule changes are a reflection of ESSA's passage, and feedback from educator effectiveness workgroups, the commission on teaching and learning, and a statewide survey sent to teachers, principals, and superintendents. The changes provide more flexibility at a local level for teacher and principal effectiveness.

In response to Board questions, Nelson stated that the workgroup feedback indicated that the workgroup was comfortable with the changes made and that they provided enough flexibility to school districts. Nelson also stated that the workgroups consisted of both administrators and teachers. Nelson discussed that ESSA does not require teacher or principal effectiveness to be implemented, but a state statutes do require teacher effectiveness implementation.

Motion by Aguilar, second by Fouberg, to move the proposed rules to a public hearing. Voice vote, all present voted in favor. Motion carried.

Secretary's Report:

Mary Stadick-Smith, deputy secretary of education, provided information on education-related legislation from the 2017 session. Stadick-Smith discussed legislation regarding education funding, high school equivalency tests, CPR instruction requirements, and residential treatment facility placement payments. Stadick-Smith also discussed the development of South Dakota's state plan for ESSA implementation. DOE staff has met with numerous stakeholder groups and will open a public comment period in the coming months as well.

In response to Board questions, Stadick-Smith stated that shared service grants and classroom innovation grants were reduced due to availability of funding. Stadick-Smith also discussed Senate Bill 65 and the basis for the name change of the Board of Education to the Board of

Education Standards. Shared service grants currently awarded will be distributed at the awarded amounts.

Public Hearing—Administrative Rules:

The Board of Education convened a public hearing at approximately 12:14 p.m. Central Time on Monday, March 20, 2017 on proposed rules ARSD 24:28 (Educator Certification); 24:05:15:19 and 24:05:27:17 (Special Education); 24:10:48:01 (CTE); 24:15 (Certification); 24:18:01:01 (Certificate Denial and Discipline Procedures); 24:43:10:01 and 24:43:13 (Accreditation), and 24:53:02:01 (Program Approval). The hearing was held at in the Student Center Centennial Rooms A & B West, Northern State University, 1200 South Jay Street, Aberdeen, South Dakota. This was the second of two public hearings on the proposed educator certification rules. The first public hearing occurred on January 19, 2017, in Pierre, South Dakota, during the Board's regularly scheduled meeting.

ARTICLE 24:28 (EDUCATOR CERTIFICATION)

Holly Farris, Board legal counsel, noted for the record that the draft the Board would be working on today is the *updated* LRC form and style draft. Since the first public hearing in January, DOE staff located non-substantive changes needed in the rules. For efficiency, those updates were made to the LRC form and style draft, which was the Board's working draft at the January meeting. No substantive changes were made to the LRC form and style draft. All substantive amendments will be presented to the Board for the Board's consideration.

Public comment

44 public comments were received into the record.

Proponent testimony on proposed Article 24:28:

Abby Javurek-Humig and Carla Leingang, DOE division of assessment and accountability, testified in support of the proposed educator certification system rules, proposed ARSD 24:28. Javurek-Humig noted that the Department requested two public hearings be held on these rules to ensure adequate public comment from the field was considered. The proposed rules are the result of two years of collaboration with stakeholder groups, including the Commission on Teaching and Learning, an administrators workgroup, Board of Regents, and School Administrators of South Dakota. In response to requests from the Board during the prior hearing, lists of those group members have been posted on the website for reference. The development process focused on educators meeting pedagogical and content knowledge requirements, as well as ethical standards. Wherever possible, unnecessary barriers to obtaining certification were removed and the needs of the field were addressed.

The plan for today's testimony is to provide a review of the rules and to address public comments. Javurek-Humig and Leingang noted that they will identify where possible the rules for which the Department intends to introduce amendments.

Javurek-Humig and Leingang reviewed the proposed rules on general issuance of educator certificates. Certificate statuses were added to the proposed rules, to clarify whether a certificate is valid, expired, or invalid. The timeline and requirements for issuance and renewal associated with each status was reviewed. A proposed hardship rule was also created, to allow applicants one additional year to complete certification requirements. Good cause must be shown to obtain the hardship modification, which provides flexibility to applicants in certain circumstances.

The proposed rules also outline different certificate levels. Different certificate levels will reflect where educators are in the professional continuum. Three levels are proposed: standard, professional, and advanced. The types of certificate and college preparations used in the certification process are also clarified in the proposed rules, including new areas of preparation for those who are alternatively certified or have educator permits instead of certificates.

Updates to the timelines for certificates were reviewed. Under the existing rules, certificates are valid from the date an application is submitted until the five-year expiration date. The proposed rules will issue certificates that are valid from the date of processing until the expiration date on July 1 of the fifth year, generally.

The proposed application requirements for educator certificates were reviewed. Many requirements are the same as the existing requirements. A new requirement is proposed as the result of a statutory change, which requires applicants to have one clock hour of suicide awareness and prevention training. The proposed rules clarify that incomplete applications will be purged after one year.

Rules concerning withdrawal of applications for good cause are also proposed. Good cause contemplates reasons such as failure to complete credits prior to submitting the application. This allows the applicant to withdraw the application instead of the Department issuing a denial of the application, which is entered in the applicant's permanent file. This section does not allow for withdrawal of an application for failure to comply with character and fitness requirements.

Javurek-Humig reviewed the new application fee structure, as compared with the existing fee structure. Some proposed application fees are actually less than existing fees when broken down by year. Fees were set based on the time required to process an application by Department personnel. Some fees are higher, but all fee increases fall within the statutory permitted increase percentage.

Leingang spoke about the proposed requirements to obtain an educator certificate, many of which are similar to the requirements already within the existing rules. Applicants for initial certification need to obtain a bachelor's degree or higher, complete a teacher education program, complete a South Dakota Indian Studies course, obtain a passing score on the state-designated pedagogy test, and receive a recommendation from the university. Individuals from a foreign country must complete a transcript evaluation completed by an approved agency. The requirement that an individual have six transcribed credits within the past five years was removed.

Leingang provided further detail about the certificate levels. A standard teaching certificate is intended for new teachers. A professional level certificate may be awarded to a teacher with five or more years' experience in the field. An advanced level certificate may be awarded to an applicant with five or more years' teaching experience, and an advanced degree or national board certification. Each of these levels has separate renewal requirements and the duration will be five years. This changes the existing rules, which allowed for a one-time, ten-year certificate for individuals who completed an advanced degree or national board certification. This change was made to bring the requirements into alignment with industry standards and provide for more frequent review of character and fitness requirements.

Leingang reviewed the various preparation types, which include early childhood, elementary, secondary preparation, career and technical education (CTE), K-12, early childhood special education, and K-12 special education. Middle level preparation will no longer be offered, as several administrators and teachers identified it as a barrier. As a result, adolescent psychology requirements will be integrated into both elementary and secondary preparations.

Leingang also discussed the proposed requirements for administrator certification. Initial certification requirements include a bachelor's degree or higher, completion of a school superintendent or principal program, passage of South Dakota Indian studies, passage of the state-designated content test, and recommendation from the university. Applicants with foreign university credentials must present an approved transcript evaluation. Administrator certificates have two proposed levels: standard, for new administrators, and professional, for administrators with five or more years' experience in the field. Administrator certificates will have a duration of five years. A significant change to the administrator certification area is the requirement that assistant superintendents and principals will be required to meet the same requirements as superintendents and principals. There would be a two-year delay in implementation of that requirement and the associated rules.

Preparation types for administrators are school superintendent and K-12 principal. Former grade ranges of principal certification were more varied, but the administrator workgroup suggested changing it to just K-12.

The educator specialist certification requirements were reviewed. The initial requirements are a bachelor's degree or higher, completion of an approved program or coursework, and provide written recommendation from an accredited higher education institute. There are no

certificate levels in this area, and the certificates are valid for five years. Areas of educator specialist certificates are curriculum director, school psychologist, school counselor, special education director, school psychological examiner, mentor teacher, mentor school counselor, technology integrationist, and technology coordinator. Speech language pathologist and school social work certificates were removed as they are not licensed by other bodies in South Dakota. Library media specialist was moved under K-12 certification.

School counselor applicants must have a school counselor preparation. The workgroup also recommended a proposed change that a school counselor endorsement be available to those with a master's degree in counseling who pass the state-designated content test and have one year experience working under a certified mentor school counselor. Current rules require that those with non-school-specific counseling degrees cannot obtain a school counselor certificate without completion of a school counselor preparation program. A statute implemented last year also requires that individuals who have not completed school counselor requirements may not be titled as school counselors, but must use a different title, such as student advisor. Javurek-Humig testified regarding the requirements for educator permits. This is an area of new requirements which used to be known as stand-alone certificates. The changes in this area are an effort to clarify that these individuals have unique skill sets to provide key instructional and support services, but may not have completed an educator preparation program or alternative certification programs. Endorsements cannot be added to these permits.

Javurek-Humig also reviewed which individuals may require a permit for employment in a school, who may add a permit, and the permit application process. Certified educators may add permits upon completion of the permit requirements, but permit holders must complete an educator preparation program or alternative certification to move to a teacher, administrator, or education specialist certificate.

Javurek-Humig reviewed the permit for Lakota/Dakota/Nakota regular and eminent scholar permits. These are renewable, five-year permits. There is no degree required, and there is no designated content test. The applicants are required to complete a three-credit teaching methodology course, as well as demonstrate proficiency in the language. Should the proposed rules pass, the Department will work with the state's tribes to determine if what entities are available to sign off on language proficiency other than tribal college programs. Eminent scholar permits also require the applicant to complete the requirement of a tribal eminent scholar program.

Performing artist permit requirements were also reviewed. The proposed rules offer a five-year, non-renewable permit to an individual at the request of a school district that is unable to hire a certified teacher in the areas of art, dance, drama, or music. The individual must hold, at minimum, a high school diploma or equivalent, and have five years documented occupational experience in the respective arts field. This permit was created at the request of smaller school districts that have faced hiring challenges for certified teachers in these areas, but have experienced individuals available to provide instruction. This will allow schools to continue offering programs.

Javurek-Humig also discussed the requirements of the expert lecturer permit. This is a five-year, renewable permit issued upon request of a district to an individual with special expertise. The lecturer must hold a master's degree or higher. The district would provide a mentor for academic and classroom support. This will allow districts to engage their communities and find special content for students.

The proposed athletic coaching permit rules are similar to existing requirements. There was discussion about removing this permit, since it is not required to be an assistant or head coach in South Dakota. Universities requested the permit be continued to recognize people who have taken individualized training during their preparation programs to complete the requirements. Javurek-Humig testified regarding the requirements for international exchange permits. This is a nonrenewable, five-year permit issued only upon request of a district that agrees to employ a person falling into this category. The individual must hold the equivalent of a U.S. bachelor's degree or higher, have a valid foreign teaching credential, and hold a valid J1 or H1B visa. Individuals intending to stay in the U.S. beyond the five year duration must meet the regular requirements for certification.

Requirements for driver's education permits were reviewed. The proposed requirements are similar to existing requirements, but requirements for a criminal conviction check for certain traffic-related offenses were added. Other requirements include a high school diploma and eight credits, a valid driver's license, and passage of the criminal offense check. Permit holders must also be at least 21 years old. The new requirements will have a two-year delayed implementation, and were added in consultation with the Department of Public Safety. Javurek-Humig discussed the requirements for an American Sign Language or Braille education permit. The Department worked closely with the South Dakota School for the Deaf and the School for the Blind and Visually Impaired to create the proposed requirements. The permits are five-year, renewable permits and will require the state-designated content test and coursework completion.

Javurek-Humig noted that the state-designated coursework and content tests are not specified in rules for each certificate or certificate area. Those are established through a workgroup review via a separate process.

Javurek-Humig testified about the proposed paraprofessional permit. Currently, paraprofessionals in South Dakota are not certified and schools primarily relied on the federal highly-qualified requirements to show that they could pay these individuals using Title I funds. Federal highly-qualified requirements are ending, and for schools to continue to utilize federal Title funds to pay paraprofessionals, South Dakota needs to implement its own state standards for certification. Another significant factor in proposing certification requirements for paraprofessionals is to provide portability of certification—currently a certificate of compliance is issued to the school employing the paraprofessional, not the individual. In addition, the Department and workgroup felt it was important to create certification for paraprofessionals to

provide opportunities for continuing professional development and regular ethics checks, as these individuals work closely with some of schools' most vulnerable and in-need students.

Two types of paraprofessional permits are proposed: standard and professional. The permits are five-year, renewable permits. Standard paraprofessional permits would require a high school diploma or equivalent, or be at least 18 years old and pass the state-designated content test. Advanced paraprofessional permits would mirror the currently-imposed federal requirements: completion of an associate's degree or a verified 48 hours of college credits, or have a high school diploma, and pass the state-designated content test. Fulfillment of the advanced paraprofessional permit requirements would allow the paraprofessional to be paid with Title I funds.

School business official permit requirements were reviewed. This is another area in which a permit is not required for employment in the field, but many individuals choose to obtain it. Javurek-Humig discussed the proposed requirements for a CEO permit, which is a new permit type. This is a five-year, renewable permit issued to applicants with a bachelor's degree or higher, who are going to serve in a leadership role similar to a superintendent or principal and came into the administrative role outside the traditional education route. Passage of the state-designated content test will be required, in addition to verification of three years of leadership or instructional experience. Persons serving in this role are not permitted to be titled as superintendents or principals. The workgroup also recommended that CEO permit holders not be allowed to complete teacher evaluations. The intent is that this permit will replace noncertified administrator waiver routes.

Leingang presented testimony regarding alternative certification requirements. A new step in the alternative certification process is the addition of an alternative preliminary certificate, which will allow schools to comply with state statute requiring schools to verify certification prior to employing an individual. The preliminary certificate is a two-year, renewable certificate that will allow someone to be participate in any alternative certification program.

General alternative certification requirements were reviewed. Many requirements from the existing rules were incorporated into the proposed rules. A significant change is the proposed increase to coursework requirements which are completed during the program. That increase will have a two-year delayed implementation. To qualify for this certificate, an individual must have a valid alternative preliminary certificate, an offer of employment from a qualifying school, a bachelor's degree or higher, and endorsements for the content areas being taught. An individual may not teach grades or content areas beyond those listed on the certificate. A requirement that the applicant complete their bachelor's degree with at least a 2.5 GPA is being removed, but a condition that the required coursework be completed with at least a C or above is being implemented. An applicant may teach grades 5-8, secondary, or K-12 general education. Grades K-4 or special education may not be taught.

The proposed requirements for CTE alternative certification are not undergoing any significant changes, as the current rules were implemented last year. The primary change is the title—the

certificate was previously a CTE specialist certificate and is now proposed as CTE alternative certificate. This is a proposed one-year certificate. Standard and advanced CTE alternative certificates are being proposed.

Standard CTE alternative certification allows an individual to obtain endorsements in CTE career pathways, education and training career cluster, or Law, Public Safety, Security, and Corrections career cluster. Applicants cannot move to a standard CTE teaching certificate from this route. Completion of the advanced CTE alternative certification would result in a standard CTE certificate.

The proposed requirements for Teach for America (TFA) alternative certification will permit individuals to teach elementary, secondary, or K-12. They may also receive CTE alternative certification if the CTE requirements are met. The existing rules allow teachers in this alternative certification area to teach K-4, and that is being carried forward. The other requirements are similar to the general education certification program, with a criterion that applicants must participate in and receive training from TFA. The proposed coursework requirements remain the same. This certificate is a one-year certificate which may be renewed two times, for a total of three years. This applies to all alternative certificate durations and renewability.

Leingang testified about the special education alternative certification program, which is a new program within alternative certification. This program is designed to allow general education teachers to obtain special education certification via alternative certification. The requirements include a valid teacher's certificate, three years of teaching experience within the last five years, and employment by a qualifying district. A teacher may teach early childhood special education or K-12 special education while pursuing alternative certification. The teacher's preparation program must also be related to the special education alternative certification issued, wherein an applicant requires an early childhood preparation to receive early childhood special education alternative certification. The certificate is a one-year certificate which may be renewed two times upon meeting the requirements. Employing districts must also complete requirements. An individual must complete a six-credit, year-long practicum, nine hours of specified coursework, passage of a pedagogy test, and signoff from the employing school. Leingang testified about the proposed administrator alternative certification program. Individuals pursuing this alternative certification may act as a principal or superintendent, but not both, while completing the program. An applicant is required to obtain the preliminary certificate and be employed by a qualifying district. This is a one-year certificate renewable for up to five years to complete the requirements. Superintendents and principals do have some separate requirements. Superintendent applicants are required to have a master's degree or higher, in addition to three years' experience in a leadership role within a business or as a teacher in a leadership role, and passage of the state-designated superintendent test. To obtain the standard administrator certificate with a superintendent endorsement, candidates must complete 21 transcribed credits with a grade of C or higher.

Principal candidates must complete a state-approved teacher preparation or alternative certification program, have three or more years of teaching experience, and pass the state-designated school leadership assessment. To complete the program, 18 transcribed credits with a grade of C or higher is required. The employer requirements for program participation were also detailed.

Javurek-Humig testified regarding the proposed rules on certificate reciprocity. This is a new area of rules, as the existing system required all applicants to meet the South Dakota certificate requirements in all respective areas. This could entail passage of different content tests or coursework than an applicant needed in their prior state. All applicants for South Dakota certification must still complete the statutorily required Indian studies course and suicide prevention training. Otherwise, the proposed rules allow teachers who completed a teacher preparation program or an alternative certification program in another state to qualify for certification upon display of an active certificate from another state. These individuals will receive certification in the same area as their out-of-state certificate. Teachers completing alternative certification in another state with an active certificate from that state need three years teaching experience in the last five years to qualify for certification in the same certification areas in South Dakota.

The proposed rules provide for issuance of a one-year provisional certificate to complete South Dakota Indian studies. Once these requirements are complete, the applicant receives endorsements aligning to the areas of their out-of-state certificate. Some individuals may require an additional content test to receive certain endorsements on a South Dakota certificate. New endorsements in areas not on the out-of-state certificate will require completion of all South Dakota requirements. Reciprocity for military spouses remains the same under the proposed rules as the existing rules.

Renewal requirements for certificates were discussed. Many of the existing requirements for renewal remain the same under the proposed rules. Dates of expiration remain the same, as is the requirement for an applicant to submit a completed application, pay the applicable fees, and complete renewal credits. Credits earned need to be education-related and passed with a grade of C or higher. Renewal credits may also only be utilized for renewal one time. The statutory requirement for suicide prevention and awareness training has also been written into these rules.

Up to three specialized learning credits may be completed in lieu of transcribed credits for renewal in certain circumstances. Those credits may consist of not just service or occupational experience, but also instruction provided by an applicant to teacher candidates as part of teacher preparation program instruction. This option was developed at the request of preparation programs faculty.

A new option for certification of active military duty members has also been developed for the proposed rules. Individuals who were called to active duty whose certificates expired while on active duty will be eligible for certification renewal at no additional fee.

Six transcribed hours will continue to be required to reactivate an invalid teacher certificate. A one-time, one-year temporary certificate may be issued to an individual who needs additional time to complete renewal requirements, specifically to complete the six credits required to renew a certificate. This is similar to the existing rules.

The renewal requirements of active certificates differ depending on the type of certificate or level of certificate. The respective requirements for standard teacher certificates, professional teacher certificates, advanced teacher certificates, standard administrator certificates, and professional administrator certificate were reviewed.

Javurek-Humig further reviewed the proposed renewal requirements for education specialist certificates and alternative certificates. School counselors may use National Board of School Counselor certification or six CEU credits to meet renewal requirements. Alternative preliminary certificate renewal will include the requirement to complete one clock hour of suicide awareness and prevention training. Alternative certification renewal will require district signoff that an applicant is making progress toward completion of the alternative certification program. Suicide awareness and prevention training will also be required for renewal. Proposed rules for renewal of educator permits would require suicide awareness and prevention training and completion of six CEUs. The proposed requirements for athletic coaching permits mirror the existing requirements, such as first aid, concussion awareness, and fundamentals of coaching requirements.

Leingang reviewed the proposed rules on requirements to obtain endorsements. Under the proposed rules, endorsements will be issued based on preparation, as this will dictate which requirements they must fulfill for the respective endorsements. Endorsements will then be tied to assignments for which teachers are eligible. In the past, the Department has looked at school structure when determining which assignments people are eligible to teach. This barrier has been removed and school structure will no longer be a factor.

Content knowledge and pedagogy must be shown at every level to obtain endorsements. Depending on the preparation program completed and which endorsement is being sought, a combination of requirements must be fulfilled. Those requirements may consist of a state-designated content test, state-designated pedagogy test, subject major in content, designated coursework, a CTE methods course, or other endorsement-specific requirements. Multi-subject content tests will also be utilized, which will allow applicants to take one test to qualify for multiple subject endorsements. This will provide flexibility to applicants. Another major change will allow applicants to add an endorsement through completion of a content major. The existing rules required passage of the content test for all endorsements. Allowing multiple paths to obtain an endorsement will create needed flexibility.

Leingang reviewed the various endorsement requirements for individuals with elementary education preparation, as an example of how endorsements will be issued based on preparation.

In response to Board questions, Javurek-Humig noted that current teachers will be transitioned to the applicable endorsements under the proposed rules. If a teacher is currently certified in a secondary area, that teacher would be certified in grades 5-12 for the content area under the new system. A currently certified elementary teacher would receive an applicable endorsement for grades K-8. Additional testing or requirements will not be required. Once the teachers have been transitioned to the new endorsements, they must meet the renewal requirements for that endorsement.

Educator Certification Exhibits 1-24 were received into the record at the prior hearing and addressed. Javurek-Humig addressed the remainder of the comments. Exhibits 25-44 were received between the prior hearing and this hearing. Exhibits 42-44 were received this morning, so they are not part of the comment packet provided to the Board and the public, but will be addressed.

Sixteen comments received and addressed at the prior hearing dealt with recommendations that National Certified School Psychologist certification be allowed as a way to qualify for renewal of education specialist certificates for school psychologists. The Department will introduce an amendment to that effect today.

Exhibits 28, 30, 31, 36, 38, and 39 all raised concerns with the proposed rules on paraprofessional permits. Several schools expressed concern about the difficulty in hiring and retaining paraprofessionals, and how the proposed certificate requirements would impact schools. Javurek-Humig read Comment 39 into the record, which stated many of the common concerns in the six comments collectively.

In responding to the comments on paraprofessional permits, Javurek-Humig referred to Exhibit 41. This was a letter from Jolene's Task Force, in support of the proposed paraprofessional permit rules. Javurek-Humig stated that Exhibit 41 discusses that the reasons for the proposed paraprofessional permit rules encompass both professional and ethical reasons. Paraprofessionals are often the individuals working most closely with high-need students, and should be held to the same level of accountability and professional responsibility.

The Department took these comments back to the workgroups, and also reached out to the U.S. Department of Education to verify state requirements to utilize Title I funds to pay for paraprofessionals, once the federal highly qualified requirements were removed. USDOE provided guidance that if a state does not adopt requirements to show the state is certifying paraprofessionals to the same level as the current highly qualified requirements for paraprofessionals, Title I funds may not be used to pay paraprofessional salaries. As a result of this information, the Department is not proposing any amendments to the proposed rules regarding paraprofessionals.

Exhibit 29 expressed support for the international teacher permit.

Exhibit 32, from a university, expressed concern with requiring a content test for elementary teachers, but not for higher level teachers. The workgroup felt that elementary teachers do not receive as much content training as higher level teachers, where 27 credit hours in a content area are commonly required. The workgroup recommendation is that the content test is still needed for elementary teachers to ensure understanding of content knowledge in the core areas of science, mathematics, social studies, and English language arts.

Exhibits 33 and 34 requested that specific college coursework or content tests be included among the state-designated tests and coursework. Javurek-Humig responded that content test requirements are developed through a separate process than the certification rules, however, and these comments will be taken into consideration during that development. This process will begin after the proposed rules are acted upon.

Exhibit 35 asked for clarification on certain certification processes. The Department contacted this individual to address the questions in the comment and was successful in answering the questions.

Exhibit 36 also expressed support for the special education alternative certification process.

Exhibit 37 raised concern with getting rid of the 10-year certificate available under the current rules and felt this may be taking away recognition from teachers who achieve advanced degree. Javurek-Humig stated that the Department would not bring amendment to the proposed rules concerning 10-year certificates, but would clean up some of the language in renewal requirements through an amendment. The amendment will give teachers with advanced degrees more flexibility to select professional development opportunities to meet renewal requirements.

Exhibit 40 raised questions with CTE alternative certification. The Department will bring an amendment regarding CTE alternative certification process that should address these questions.

Exhibits 42-44 were received this morning (March 20) and entered into the record. Javurek-Humig read the comments into the record to ensure they were provided to the Board.

Exhibit 42 supported one of the proposed amendments to the proposed rules, regarding CTE alternative certification.

Exhibit 43 raised a question regarding the requirements to obtain a K-12 technology endorsement, and whether both a content test and coursework will be required. The Department did reach out to the commenter and provided some information regarding which technology-related endorsements required content tests and/or coursework.

Exhibit 44 raised concerns with the potential negative effect of the rules on small private schools in South Dakota. One concern was that administrators would have to obtain a master's degree in order for the school to be accredited by the state. The comment also expressed concern about the CEO permit requirement to have three years' documented experience. Smaller private schools do not have an adequate pool of candidates with these qualifications. The commenter brought up whether an exemption process could be formulated for certain qualifying schools. Javurek-Humig responded that administrator general requirements are a bachelor's degree or higher, completion of a superintendent or principal preparation program, South Dakota Indian Studies course, and signoff from the program. However, completion of a superintendent preparation does require a master's degree. The CEO permit was also structured to respond to the needs of smaller schools. The permit requirements are a bachelor's degree or higher from a regionally-accredited institute of higher education, a minimum of three years of business, management, leadership, instructional, or education-related experience. The three years do not have to be within a school system. Passage of the state-designated test is also required. Schools that are not accredited would not be required to follow these rules. Javurek-Humig also noted that teacher evaluations do not have to be completed by private schools, in the event that was a concern as well.

Javurek-Humig discussed areas of the proposed rules in which the Department intended to propose amendments: performing artist permits, administrator certificate levels, alternative preliminary certificates, middle school level endorsements, content test requirements for administrators, school psychologist certification requirements, CTE endorsements and cleanup, pedagogy test requirements, certificate renewal requirements, and mentor teacher requirements.

In response to Board questions, Javurek-Humig reiterated that, in order for paraprofessionals to be paid with Title I funds, the U.S. Department of Education has indicated that South Dakota must have paraprofessional standards in place and be able to sign off that paraprofessionals are being held to the same standards as under the federal requirements (highly qualified rules). That is a federal, not a state, requirement.

Javurek-Humig also stated that the Department has proposed the paraprofessional permit for multiple reasons. One was in relation to fulfilling the federal Title requirements. Another was to create a system of portability for paraprofessionals. Currently, a paraprofessional certificate is issued to a school, and if the individual moves to a new school, the school must apply for a certificate on behalf of that paraprofessional. The proposed system would also create character and fitness standards to hold paraprofessionals accountable at the same ethical standards as other certificate holders. The final reason is to create requirements to ensure that these individuals continue to progress professionally, in order to provide meaningful academic support to the students with whom they work. Javurek-Humig also described the character and fitness review conducted by the Department regarding applicants for certification.

Alan Neville, Northern State University Department of Education, testified in support of the proposed certification rules. Neville is a member of the Commission on Teaching and Learning (CTL). Neville also specifically expressed his support of the paraprofessional permit requirements. Neville discussed that a district background check on a paraprofessional is not sufficient, in his opinion, because paraprofessionals work with the most vulnerable students. Neville supports the Department's and CTL's recommendation to include the paraprofessional permit within the rules.

Rich Mittelstedt, South Dakota Education Association and SDEA representative to CTL, testified in support of the certification rules, the three-tiered certification system specifically. Mittelstedt referenced CTL discussions on how to help teachers progress professionally without having to go into administration, which is one of the few options currently available. The CTL wanted to create a path that allows advancement in the field, but also keeps teachers in the classroom. Another factor in favor of the three-tiered certificate levels is teacher retention. The CTL discussed the need for a designation that a teacher has done additional work in their field and done more for their profession. Distinguishing groups of teachers will also provide pools of people to serve on committees or provide expertise in certain areas. Mittelstedt noted that no money is attached to the different levels, so no changes will be imposed there, but this would give districts the option to provide that recognition. The CTL has also discussed developing more leadership paths for teachers, and wants to pursue that regardless of whether the three-tiered system is implemented.

In response to Board questions, Mittelstedt noted that the professional certificate level comes into play in the mentoring process and recognition of working through the obstacles faced in the first five years of teaching. Mittelstedt also stated that, to his knowledge, other states' tiered systems do not attach money to the progressing levels of certification, but do require more than just time to be recognized.

Tammy Meyer, Sisseton School District and CTL member, testified in support of the proposed certification rules. Meyer specifically testified in favor of the paraprofessional permit rules. She stated it will hold paraprofessionals accountable to the same conduct, fitness, and ethics standards as other certified professionals. It will also allow recognition of the important role paraprofessionals play. Meyer also testified in support of the three certificate levels proposed for teachers.

Opponent testimony on proposed Article 24:28:

There was no opponent testimony in person or via phone.

Amendments to proposed Article 24:28:

Abby Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment One was developed at the request of the Board

subsequent to the January 19, 2017, hearing. The proposed rules prohibit individuals who had completed a teacher preparation program but had not successfully completed student teaching or the state-designated content or pedagogy tests from obtaining a performing artist permit. The amendment changes the proposed rule to allow permits to be issued to those individuals. There was no opponent testimony regarding this amendment.

Motion by Aguilar, second by Vyas, to amend the proposed rules with Amendment One. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Two was developed at the request of the Board after the January 19, 2017, public hearing. The proposed rules currently state that the performing arts permit is a non-renewable, five-year permit. The amendment changes the proposed rules to make the performing artist permit a renewable, one-year permit. Also amended is the rule on employer requirements for schools employing performing artist permit holders. The amendment also changes the relevant rules related to permit renewal in 24:28:17 to include specific references to renewal of the performing artist permit.

In response to Board questions, Javurek-Humig stated that renewal fee will be \$25 per year, because the Department must cover processing costs. The district would be required to provide sign-off that it attempted, but was unable to hire, a certified educator in that position. This permit is not anticipated to be widely used, but to respond to unique circumstances in school districts. The amendment is also an attempt to strike a balance between the proposed rules and objections to the performing artist permit option in its entirety.

In response to Board question, Leingang stated that to renew a performing artist permit under the amendment to the proposed rules, transcribed credits are not required. The permit holder could use continuing education units (CEUs) to fulfill the requirements. Javurek-Humig stated that a person could use transcribed credits to fulfill this requirement if they had been obtained, but that it was not the only option. Javurek-Humig also stated that if a person received multiple credits prior to renewing the permit, and only needed one of those credits to renew, the remaining credit could not be "banked" for a future renewal. New credits must be obtained. This is in accordance with current Department policy.

Javurek-Humig stated that this amendment would change the permit from a five-year, nonrenewable, to a one-year, renewable permit. This change was developed after discussion with the Board at the last hearing so that districts without other options could continue to hire a person to fill a fine arts spot, rather than discontinue the program. This permit is for extreme circumstances.

Wendy van Gent, Northern State University music education instructor, testified in support of Amendment Two. van Gent stated that it is important for South Dakota schools to have the opportunity to keep fine arts programs active. The one-year, renewable permit will also

maintain the integrity of the system where schools can regularly attempt to hire certified teachers for those positions and allow for new educators to find available positions in the field. Nadya Prezler, Northern State University art education instructor, testified in support of Amendment Two. Prezler stated that the change to a one-year certificate will allow positions to be opened to newly certified teachers on a regular basis, instead of school districts continuously relying on the permit holders. Prezler expressed some concern with the concept of a five-year permit for individuals only required to hold a high school diploma. There are state and national standards for arts education, and Prezler does not want the Department to send a message that people in this field do not need to be highly qualified to teach.

In response to Board questions, Javurek-Humig stated that the Department would work with districts in validating professional experiences to determine who is qualified for the permits. The Department would review the applications on a case-by-case basis.

There was no opponent testimony regarding this amendment.

Motion by Schallenkamp, second by Fouberg, to amend the proposed rules with Amendment Two. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the proposed amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Three was developed at the request of the Board after the January 19, 2017, public hearing. Currently, the proposed rules separate administrator certificates into standard and professional levels, with the professional level based on years of experience. Feedback from the Board and the field indicated concerns that years of experience did not necessarily apply to obtain such a certificate. The amendment would change the requirements for the advanced level. To obtain an advanced level certificate, instead of years of experience, an administrator would need to obtain an educational specialist degree or higher. This would go beyond the minimum requirements set for administrators in general. The amendment also recommends changing the levels from "standard" and "professional" to "standard" and "advanced" to align with how an advanced degree differentiates the certificate types. This is similar to how the teacher levels are set out.

There was no opponent testimony regarding this amendment.

Motion by Vyas, second by Wagner, to amend the proposed rules with Amendment Three. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Four was developed at the request of the Board after the January 19, 2017, public hearing. Board members expressed concern at the timeline districts faced in finding and hiring an alternative certificate candidate who needed to obtain the alternative preliminary certificate. The amendment would require alternative preliminary

certificate applications to be processed within ten working days following submission of a completed application. This would allow districts to employ alternative certificate applicants more quickly while still complying with statutory requirements. Character and fitness issues may, however, add processing time.

There was no opponent testimony regarding this amendment.

Motion by Fouberg, second by Schallenkamp, to amend the proposed rules with Amendment Four. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Five was developed at the request of the Board after the January 19, 2017, public hearing. A Board member requested the addition of a middle school endorsement. This endorsement will not be required for any specific teaching assignment, but will allow districts to require the endorsement if they prefer to have an additional condition for hiring. The amendment creates a new endorsement called Middle Level Learner, which will require completion of state-designated coursework. That coursework would be similar to existing requirements. Because of the structure, if an early childhood or early childhood special education teacher wanted this endorsement, passage of the state-designated pedagogy test would also be required.

Micheline Nelson, Black Hills State University, testified in support of the proposed amendment. Nelson believes school administrators will appreciate this change.

There was no opponent testimony regarding this amendment.

Motion by Aguilar, second by Shephard, to amend the proposed rules with Amendment Five. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Six was developed at the request of the Board after the January 19, 2017, public hearing, as well as Exhibit 1. This amendment removes the requirement of passage of the state-designated content test for applicants that have completed administrator preparation programs and request an administrator endorsement. The content test requirement will remain in place for administrator alternative certification applicants. The amendment also removes the state-designated pedagogy test requirement for applicants who complete the administrator alternative certification program. Inclusion of that requirement was an oversight in the original rules, as there is no separate pedagogy test for administrators. Rather, that is included in the content test matter.

There was no opponent testimony regarding this amendment.

Motion by Vyas, second by Wagner, to amend the proposed rules with Amendment Six. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Seven was developed as a result of the sixteen public comments received that requested that completion of the national school psychologist certification be permitted to meet the renewal requirements for school psychologist certificates.

Ted Williams, school psychologist and member of South Dakota Association of School Psychologists, testified in favor of Amendment Seven. Williams described some of the requirements to obtain national board certification for school psychologists. The program requires a specialist or doctorate degree in school psychology, completion of a 1,200 hour internship, and passage of a national Praxis exam. To renew this certification, which is done every three years, 75 continuing education units are required. These requirements far exceed the South Dakota renewal requirements.

Roxana Uttermark, school psychologist and member of South Dakota Association of School Psychologists, testified in favor of Amendment Seven. Uttermark noted that the amount of requirements needed to obtain national board certification for school psychologists far exceeds the South Dakota requirements and felt completing both is unnecessary.

There was no opponent testimony regarding this amendment.

Motion by Fouberg, second by Schallenkamp, to amend the proposed rules with Amendment Seven. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Eight is a clean-up amendment. Subsequent to the January hearing, the Department reviewed the proposed rules and felt the standard CTE alternative certificate better aligns with the purposes and requirements of an educator permit. This amendment renames the standard CTE alternative certification as the CTE Instructor permit and moves it to the appropriate sections within the rules. There is still a CTE alternative certification option available, but the standard CTE alternative certificate was more narrow and is more appropriate as an educator permit.

There was no opponent testimony regarding this amendment.

Motion by Aguilar, second by Schallenkamp, to amend the proposed rules with Amendment Eight. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Nine was developed by the Department to recognize the numerous ways individuals may qualify for endorsements for grade spans not covered by their preparation program. Typically, such applicants would need to pass the state-designated pedagogy test. The amendment allows an exception to the pedagogy test requirement if the applicant can provide verification of two or more years teaching experience in the grade span of the endorsement being sought.

There was no opponent testimony regarding this amendment.

Motion by Shephard, second by Wagner, to amend the proposed rules with Amendment Nine. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Ten regards the coursework requirements for CTE alternative certification. The proposed rules on CTE alternative certification included many similar requirements for the alternative certification as the existing rules, but also brought it into alignment with the requirements for other alternative certification programs. The requirement for credit hour completion was set at 15 credit hours. CTE workgroups reached out to the Department after the January hearing and recommended that the teachers complete the alternative certification program with only 12 credit hours, as the existing rules prescribe. This would include a four-credit mentored internship, which the CTE workgroup felt was very rigorous and included many of the topics covered elsewhere in the 15 hours of coursework. CTE programming will work to ensure the internship and mentorship experiences include instruction in classroom management, student assessment, differentiated instruction, and adolescent psychology. The Department is offering the amendment to reduce the coursework requirements for CTE alternative certification to 12 credit hours and include classroom management and teaching methods in the mentored internship and methods course. Erin Larsen, DOE Division on Career and Technical Education, testified in support of the amendment. The DOE CTE division worked to overhaul the CTE alternative certification requirements in 2015, which included gathering stakeholder feedback in many areas. The result of these workgroup discussions attempted to strike a balance between making sure teachers entered the field adequately prepared to work with students and creating a flexible pathway to obtaining certification. The workgroups felt that 12 credits were adequate, as long as they were rigorous and focused on certain areas.

There was no opponent testimony on this amendment.

Motion by Vyas, second by Wagner, to amend the proposed rules with Amendment Ten. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Eleven was developed in relation to both Board comments and feedback from stakeholders. Currently, the proposed rules to renew an invalid educator certificate require all certificate types to complete six transcribed credits to renew the certificate, which mirrors the current practice. This amendment would amend the rules on renewal requirements to reflect differences based on certificate types. Concerns from the field indicated concerns about what that may mean for permit holders as opposed to teacher or education specialist certificate holders.

The amendment would require teachers or education specialist certificate holders who allowed their certificates to expire to complete six transcribed credit hours in order to renew the certificate. Educators with alternative certificates would be required to do three transcribed credits, CEUs would not be permitted. Permit holders would be required to complete six education-related credits to renew an invalid permit. Transcribed credits would not be required. Performing artist permit holders would require one full education-related credit to renew.

The amendment would also update renewal requirements for applicants with advanced degrees. These individuals would be required to complete six education-related credits. Transcribed credits would not be specifically required.

In response to Board questions, Javurek-Humig stated that certification staff time to process certification applications would likely not increase because of paraprofessional applications. A new computer system is being designed in conjunction with the proposed rules that will streamline some parts of certification to allow certification staff more time in other areas. Leingang also noted that the proposed changes in the reciprocity rules will create additional time for certification staff in other areas.

Javurek-Humig also stated that the requirement in the amendment that certified teachers and education specialists be required to obtain six credit hours, while permit holders must only obtain three, is due to the professional expectations for teachers and education specialists. Those individuals have increased training and background that create higher expectations. An additional concern is that permit holders would be utilized in extreme circumstances when certified teachers may not be available, and the additional credit hours may create an undue burden.

Javurek-Humig further reviewed the list of permit holders to clarify which permit holders the renewal requirements would be applied.

Micheline Nelson, Black Hills State University, raised concern with whether this would require those with performing artist permits to obtain five credits over five years. Javurek-Humig responded that the performing artist permit would require .5 credits per year to renew.

In response to Board questions, Javurek-Humig stated that permit holders would be required to obtain continuing education hours. Individuals completing alternative certification have different credit requirements to obtain the standard teaching certificate.

Motion by Aguilar, second by Fouberg, to amend the proposed rules with Amendment Eleven. Voice vote, all present voted in favor. Motion carried.

Javurek-Humig offered an amendment to the proposed rules. The proposed rules impacted by the amendment are listed in the Proposed Amendments document provided in the room and on the board website. Amendment Twelve was developed at the request of a Board member after the January hearing. This amendment will change the minimum requirement to serve as a mentor teacher from five year to three years of teaching experience, to allow people to be eligible sooner.

There was no opponent testimony on this amendment.

Motion by Aguilar, second by Vyas, to amend the proposed rules with Amendment Twelve. Voice vote, all present voted in favor. Motion carried.

President Kirkegaard turned the gavel over to Vice-President Shephard at approximately 3:30 p.m.

President Kirkegaard offered an amendment to the proposed rules. Kirkegaard referenced Exhibit 28, and expressed his agreement with the contents of that comment. He stated that three levels of teaching certificates do not make sense, as there does not appear to be enough difference between the three levels as proposed. While the advanced certificate makes sense, because those educators have completed additional requirements, the professional certificate level should go to someone who has met the requirements of a teacher preparation program. Kirkegaard noted that several states require a provisional certificate and once the requirements of that level have been completed, they move to a standard certificate. The amendment would eliminate the standard level teaching certificate and keep only the professional level and advanced level certificate. The advanced level criteria would be the same as the current proposed rules. Kirkegaard then included in this amendment keeping the standard level certificate for those completing the alternative certificate route, with the professional level being issued to those completing teacher preparation programs from universities.

Motion by Kirkegaard, second by Aguilar, to amend the rules to remove the standard level certification.

In response to Board discussion, Kirkegaard noted that his concern with the professional level certificate as proposed would be awarded only because a teacher had five years of experience in the field. The teacher would not be required to complete any additional requirements, while someone obtaining an advanced level certificate has completed the additional requirement of an advanced degree. That is why he would recommend removing that level.

Javurek-Humig clarified that a certificate will always indicate whether a certificate holder qualified through alternative certification. Javurek-Humig requested a brief recess to review the offered amendment to ensure it addressed all the applicable changes. Javurek-Humig noted that the offered amendment would impact a number of rules and wanted it to be clear which changes would result from the amendment. Kirkegaard inquired about the number of rules impacted if he removed the language from his amendment that would keep the standard certificate for alternative certification holders. Javurek-Humig stated that several additional rules would still be impacted but that it would be fewer than if the standard certificate were changed to be issued to alternative certification holders.

In response to Board questions, Farris addressed procedures to amend the rules at future meetings if this amendment did go forward, but was offered at a future meeting. Farris also discussed that the Board should verify with Department staff the language and impact of the amendments being proposed.

Vice-President Shephard declared a recess at 3:55 p.m.

Vice-President Shephard declared the Board back in session at 4:12 p.m.

Javurek-Humig spoke regarding the proposed amendment. She stated that eliminating the professional level and moving to only standard and advanced levels, without renaming the standard certificate as the professional certificate, would result in the fewest substantive changes to the proposed rules. It would also mirror the language within administrator certificate levels.

In response to Board questions, Rich Mittelstedt, SDEA, stated that he believed the members of SDEA consider themselves members of a profession, so the terminology of certificate levels not specifically including the work "professional" would likely be acceptable to the group.

Kirkegaard withdrew his motion, and Aguilar withdrew her second, with the permission of the Board.

Motion by Kirkegaard, second by Aguilar, to amend the proposed rules to remove the professional certificate level and have only standard and advanced certificate levels.

In response to Board questions, Rich Mittelstedt, SDEA, stated that the SDEA did support the three-tiered certificate levels. He also stated that in prior discussions in the CTL, there had been support for two tiers as well, but the common opinion was that no one thought only one tier of teacher certificate levels would be a good option. In discussions on what would result if the Board of Education did not adopt three tiers, he indicated that SDEA membership felt that two tiers would be acceptable to the alternative of the existing one-level system.

The Board discussed whether the term “standard” should be replaced with the term “professional” in the rules, to reflect teachers as professionals in their field.

Javurek-Humig stated that one of the concerns of the Department is that other amendments were passed today regarding use of the term “standard,” as opposed to “professional.” Striking only the professional level would create a cleaner rules packet. A rule amendment could be presented at a future meeting to replace any language or terminology.

Kirkegaard withdrew his motion, and Aguilar withdrew her second, with the permission of the Board.

Motion by Kirkegaard, second by Aguilar, to amend the proposed rules to include two teacher certificate levels, by removing the professional level certificate, and rename the standard level as the professional level, and to authorize the Department to make any technical updates associated with the amendment. Voice vote, all present voted in favor. Motion carried.

Motion by Vyas, second by Schallenkamp, to rename the administrator certificate levels as “professional” and “advanced” but keep the substantive requirements of the levels the same, in alignment with the amended teacher levels. Voice vote, all present voted in favor. Motion carried.

Kirkegaard raised the issue of whether the paraprofessional permit rules should be removed from the proposed rules. Kirkegaard noted the concerns raised by stakeholders around the state. He noted that the current Title I paraprofessional requirements work, and believes the rules may be trying to solve a problem that doesn’t exist.

Javurek-Humig stated that the current federal requirements are going away at the end of this school year. Beyond that, there will be no requirements for paraprofessionals in place but the federal Department of Education has instructed that South Dakota needs requirements that are at least as vigorous as the paraprofessional requirements that are going away. The proposed rules have a two-tiered permit system for paraprofessionals: standard and advanced. The current federal requirements have been written into the requirements for the advanced paraprofessional permit.

Kirkegaard suggested that the requirements be in place for the paraprofessionals, but that they not be required to obtain a certificate to be employed as a paraprofessional.

Javurek-Humig stated that, to use Title I funds to pay for paraprofessionals, the district would have to show the paraprofessionals met at least the current federal requirements. It would be the district’s responsibility to show compliance for federal monitoring purposes. The monitoring would likely be different than it is now.

Mary Stadick-Smith, Deputy Secretary of Education, also noted that the paraprofessional permit requirements would not go into effect for two years.

In response to Board questions, Javurek-Humig noted that eliminating the paraprofessional permit fee would be a strain on the Department, between the staff and programming costs. She also noted that though the requirements wouldn't go into effect for two years, individuals that wanted to apply now could do so.

Javurek-Humig also stated that the SD DOE has asked for guidance from the federal Department of Education on how to handle the transition between federal paraprofessional requirements to state paraprofessional certification. That guidance has indicated that South Dakota needs to have standards in place and paraprofessionals must meet those standards to be paid with Title I funds. It is likely that as long as the state continues to move toward requiring the certificate as part of those standards by July 1, 2019, and districts continue to provide assurances that paraprofessional standards are being met, that will be acceptable on the federal side. If an applicant applies for and receives a paraprofessional certificate in the meantime, that will simplify the process. Movement within the federal DOE cannot be predicted, however.

Kirkegaard stated that putting the rules in place now is an acceptable option, since there will be two years until the requirements are implemented.

Vice-president Shephard returned the gavel to President Kirkegaard at approximately 4:47 p.m. Motion by Aguilar, second by Fouberg, to approve proposed Article 24:28 as amended. Voice vote, all present voted in favor. Motion carried.

ARTICLE 24:05—ARSD 24:05:16:19 and 24:05:27:17 (SPECIAL EDUCATION)

Public comment:

No public comments were received regarding these rules.

Proponent testimony:

Abby Javurek-Humig testified in support of the proposed rules. The proposed rules remove obsolete references to the prior certification rules and replace them with references to the educator certification rules that were just passed in Article 24:28.

Opponent testimony:

There was no opponent testimony regarding these rules.

Motion by Shephard, second by Fouberg, to approve the rules as presented. Voice vote, all present voted in favor. Motion carried.

ARTICLE 24:10—ARSD 24:10:48:01 (CTE)

Public comment:

No public comments were received regarding these rules.

Proponent testimony:

Abby Javurek-Humig testified in support of the proposed rules. These changes delete obsolete definitions and clean up other language within the definitions to bring them into alignment with terminology passed in Article 24:28. The proposed rules also remove obsolete references to the prior certification rules and replace them with references to the educator certification rules that were just passed in Article 24:28.

Opponent testimony:

There was no opponent testimony regarding these rules.

Motion by Aguilar, second by Schallenkamp, to approve the rules as presented. Voice vote, all present voted in favor. Motion carried.

ARTICLE 24:15 (CERTIFICATION)

Public comment:

No public comments were received regarding these rules.

Proponent testimony:

Abby Javurek-Humig testified in support of the proposed rules. These changes repeal existing certification requirements made obsolete by those just passed in Article 24:28. The provisions regarding national board certification reimbursement programs for teachers and counselors remain in place to continue that program.

Opponent testimony:

There was no opponent testimony regarding these rules.

Motion by Schallenkamp, second by Wagner, to approve the rules as presented. Voice vote, all present voted in favor. Motion carried.

ARTICLE 24:18—ARSD 24:18:01:01 (Certificate Denial and Discipline Procedures)

Public comment:

No public comments were received regarding these rules.

Proponent testimony:

Abby Javurek-Humig testified in support of the proposed rules. The proposed rule removes obsolete references to the prior certification rules and replaces them with references to the educator certification rules that were just passed in Article 24:28.

Opponent testimony:

There was no opponent testimony regarding these rules.

Motion by Fouberg, second by Aguilar, to approve the rules as presented. Voice vote, all present voted in favor. Motion carried.

ARTICLE 24:43—ARSD 24:43:10:01 and Ch. 24:43:13 (ACCREDITATION)

Public comment:

No public comments were received regarding these rules.

Proponent testimony:

Abby Javurek-Humig testified in support of the proposed rules. The proposed rules remove obsolete references to the prior certification rules and replace them with references to the educator certification rules that were just passed in Article 24:28. These changes also remove language limiting certificate holder assignments based on school structure. This is in alignment with the changes passed in Article 24:28.

Opponent testimony:

There was no opponent testimony regarding these rules.

Motion by Vyas, second by Schallenkamp, to approve the rules as presented. Voice vote, all present voted in favor. Motion carried.

ARTICLE 24:53—ARSD 24:53:02:01 (PROGRAM APPROVAL)

Public comment:

No public comments were received regarding these rules.

Proponent testimony:

Abby Javurek-Humig testified in support of the proposed rules. The proposed rules remove obsolete references to the prior certification rules and replace them with citations to the educator certification rules that were just passed in Article 24:28. These changes also delete the waiver route for noncertified administrators, as the new certification rules adopted a formal alternative certification process for administrators and the CEO permit process.

Opponent testimony:

There was no opponent testimony regarding these rules.

Motion by Aguilar, second by Vyas, to approve the rules as presented. Voice vote, all present voted in favor. Motion carried.

The rules hearing closed at approximately 4:59 p.m. Central Time.

Adjournment:

The meeting was adjourned at approximately 4:59 p.m. Central Time.

Ferne G. Haddock

5/16/2017

Ferne G. Haddock

Date 05/16/2017